

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN DARNELL RAGLAND,

Plaintiff,

v.

Case No. 08-15253

M. RABY, KEITH BERBICK,
KEVIN KERR, NICOLAS SMISSICK,
DANIEL ROSE, ANDREW BELANGER,
BRIAN BOLASH, and ANTHONY CARIGNAN,

HONORABLE AVERN COHN

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
(Doc. 119)**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff claims that defendants, police officers, violated his constitutional rights while effectuating his arrest and denying him proper medical care. The matter has been referred to a magistrate judge for all pretrial proceedings. Defendants Daniel Rose, Andrew Belanger, Brian Bolash, and Anthony Carignan filed a motion for summary judgment. On November 17, 2010, the magistrate judge issued a report and recommendation (MJRR) recommending that the motion be granted. Plaintiff objected. The Court denied plaintiff's objections, adopted the MJRR, and granted defendants' motion for summary judgment. See Order filed December 16, 2010. (Doc. 118).

Before the Court is plaintiff's "Motion to Alter or Amend Judgment Motion for Reconsideration," in which he asks the Court to reconsider adopting the MJRR and

granting summary judgment to the moving defendants. (Doc. 119). For the reasons that follow, the motion is DENIED.

II.

Motions for reconsideration¹ are governed by E.D. Mich LR 7.1(h)(3) which provides in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Plaintiff has not satisfied this standard. Plaintiff repeats the same arguments considered and rejected by the magistrate judge, and the Court, with respect to the admissibility of a video of the incident which was recorded on an in-car dash camera in defendant Bolash's police car. As the magistrate judge explained, it was proper to consider the video. See MJRR at p. 8.

SO ORDERED.

Dated: January 10, 2011

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

¹Motions for reconsideration must be filed within 14 days after entry of the order. E.D. Mich LR 7.1(h)(1). In this case, Petitioner's motion was due on or before December 30, 2010. Although the motion was not filed until January 5, 2011, Petitioner signed and dated his motion on December 30, 2010. Under the prison mailbox rule, the motion is timely.

08-15253 Ragland v. Raby, et al
Order Denying Plaintiff's Motion for Reconsideration

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to Kevin Ragland, 191565, Cotton Correctional Facility, 3510 N Elm Street, Jackson, MI 49201 and the attorneys of record on this date, December 16, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160